

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
LA'SHAUN CLARK,

Plaintiff,

-v.-

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ORDER

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20 Civ. 251 (PAE) (GWG)

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NEW YORK CITY HOUSING AUTHORITY,
NEW YORK INSULATION &
ENVIRONMENTAL SERVICES, JLC
ENVIRONMENTAL CONSULTANTS, INC.,
ROCKMILL STEEL PRODUCTS CORP..

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Defendants.

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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Plaintiff La'Shaun Clark has filed two letters asking this Court to deem defendant New York City Housing Authority's ("NYCHA") Amended Answer (Docket # 150) untimely, see Letters from La'Shaun Clark, filed February 9, 2021 (Docket ## 151, 152). NYCHA responds by stating that its Amended Answer is not untimely, because Clark in fact never filed an amended complaint, see Letter from Michael B. Sena, filed February 10, 2021, at 1 (Docket # 153). NYCHA explains that it filed the "Amended Answer" out of "an abundance of caution." Id.


NYCHA's response reflects a failure to carefully read the Court's orders. In its January 21, 2021, Order (Docket # 140), the Court did not direct plaintiff to file an amended complaint but rather gave her permission to move to file an amended complaint. Plaintiff filed that motion (Docket # 141). Then, in its January 25, 2021, Order (Docket # 142), the Court gave a briefing schedule on the motion, directing that "Defendants' opposition to the motion to amend (Docket # 141) shall be filed by February 5, 2021." NYCHA evidently does not wish to oppose Clark's motion. But instead of revealing this fact, it filed a document entitled "Amended Answer" (Docket # 150) — even though there was no filed amended complaint to which NYCHA could respond. As a result, the "Amended Answer" is a nullity. Because the "Amended Answer" is a nullity, Clark's request to deem this "Amended Answer" untimely (Docket # 151) is moot.

The Court notes that the confusion generated by NYCHA could have been avoided had NYCHA simply made a filing by the Court-ordered deadline of February 5, 2021, stating that it was not opposing Clark's motion to amend.

Because NYCHA has not opposed Clark's motion to amend, plaintiff's motion to amend (Docket # 141) is granted. Plaintiff shall file the pleading attached to her motion on or before February 18, 2021. Once the amended complaint is filed, NYCHA shall file its response by February 25, 2021.

SO ORDERED.

Dated: February 12, 2021
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge